

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE UNITED STATES OF AMERICA; and
THE STATES OF CALIFORNIA,
COLORADO, CONNECTICUT, DELAWARE,
FLORIDA, GEORGIA, HAWAII, ILLINOIS,
INDIANA, IOWA, LOUISIANA,
MARYLAND, MICHIGAN, MINNESOTA,
MONTANA, NEVADA, NEW JERSEY, NEW
MEXICO, NEW YORK, NORTH CAROLINA,
OKLAHOMA, RHODE ISLAND,
TENNESSEE, TEXAS, VERMONT,
WASHINGTON, and WISCONSIN; THE
COMMONWEALTHS OF MASSACHUSETTS
and VIRGINIA; and THE DISTRICT OF
COLUMBIA,

ex rel. JOHN DOE,

Plaintiffs,

v.

INTERCEPT PHARMACEUTICALS, INC.,
a Delaware corporation; THE ASSISTANCE
FUND, INC., a Delaware corporation; TMS
HEALTH PATIENT ACCESS SOLUTIONS,
INC., a New Jersey corporation; CONDUENT,
INC., a New Jersey corporation,

Defendants.

CIV. A. NO.: 17-cv-12102-FDS

**FILED UNDER SEAL
PURSUANT TO 31 U.S.C.
§ 3730(b)(2)**

**FILED
IN CLERKS OFFICE
2019 JAN 11 PM 3:28
U.S. DISTRICT COURT
DISTRICT OF MASS.**

MOTION FOR VOLUNTARY DISMISSAL

WHEREAS, Relator filed the above-referenced action, in which he asserted claims on behalf of the United States and the above-named states pursuant to the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3729 et seq. (the "FCA"), and the analogue state False Claims Acts;

WHEREAS, in accordance with 31 U.S.C. § 3730(b), Relator's Complaint was deemed sealed for a period of at least sixty days from the date of service of Relator's disclosure material on the United States, and that seal was subsequently extended by Court orders;

WHEREAS, Defendants have not been served with the Complaint in this action, and thus have not filed an Answer;

WHEREAS, the Relator, through his counsel, has informed the federal government and the states that he seeks to dismiss his Complaint against Defendants without prejudice;

WHEREAS, the FCA requires the consent of the federal government, the named states as well as the order of this Court to voluntarily dismiss the Complaint;

WHEREAS the Relator understands that the federal government will be filing on behalf of itself and the named states a Notice of Consent to this Motion.

WHEREFORE, the undersigned counsel for Relator hereby requests that the Complaint be dismissed without prejudice and that the contents of the Court's file in this action shall remain under seal, including all papers filed by the United States and/or the Commonwealth. A **Proposed Order** is attached.

Dated: January 11, 2019

Respectfully submitted,



Ilyas J. Rona (BBO #642964)

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CERTIFICATE OF SERVICE

I, Ilyas J. Rona, hereby certify that I caused the above document to be served by email on the United States Attorney's Office in Boston and the Commonwealth of Massachusetts, on its behalf and on behalf of the named States.

Dated: January 11, 2019


Ilyas J. Rona, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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FILED UNDER SEAL

[PROPOSED] ORDER

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the False
Claims Act, 31 U.S.C. § 3730(b)(1), the Relator filed a Notice of Voluntary Dismissal in

the above-captioned action. Upon due consideration of the Notice of Voluntary Dismissal, and the papers on file in this action, IT IS HEREBY ORDERED that:

1. All claims asserted on behalf of the United States and the named states in this action are dismissed without prejudice;
2. The contents of the Court's file in this action shall remain under seal, including all papers filed by the United States; and
3. A copy of this Order shall be served on counsel for the United States and Relator's counsel.

SO ORDERED this ____ day of _____, 2019

UNITED STATES DISTRICT JUDGE